

Amendment No. 1 to HB2368

Dean
Signature of Sponsor

AMEND Senate Bill No. 2350*

House Bill No. 2368

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-207, is amended by adding the following language as a new subsection (a) and by redesignating the existing subsection (a) and remaining subsections accordingly:

(a) As used in this section, "traffic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

SECTION 2. Tennessee Code Annotated, Section 55-10-207(a)(2), is amended by deleting the language "written".

SECTION 3. Tennessee Code Annotated, Section 55-10-207(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The traffic citation shall demand the person cited to appear in court at a stated time and it shall state the name and address of the person cited, the name of the issuing officer, and the offense charged. Unless the person cited requests an earlier date, the time specified on the traffic citation to appear shall be as fixed by the arresting officer. The traffic citation shall give notice to the person cited that failure to appear as ordered is punishable as contempt of court. The traffic citation delivered to the court shall be sworn to by the issuing officer before a magistrate or official lawfully assigned this duty by a magistrate. The

Amendment No. 1 to HB2368

Dean
Signature of Sponsor

AMEND Senate Bill No. 2350*

House Bill No. 2368

person cited shall signify the acceptance of the traffic citation and the agreement to appear in court as directed by signing the citation.

(1) Any traffic citation prepared as a paper copy shall be executed in triplicate, the original to be delivered to the court specified therein, one (1) copy to be given to the person cited, and one (1) copy to be retained by the officer issuing the citation.

(2) Replicas of traffic citation data sent by electronic transmission shall be sent within three (3) days of the issuance of the citation to the court having jurisdiction over the alleged offense. Any person issued a traffic citation prepared by a law enforcement officer electronically shall be provided with a paper copy of the traffic citation. A law enforcement officer who files a citation electronically shall be considered to have certified the citation and has the same rights, responsibilities, and liabilities as other citations issued pursuant to this section.

SECTION 4. Tennessee Code Annotated, Section 55-10-207, is amended by adding the following language as a new subsection (e) and by redesignating the remaining subsections accordingly:

(e)

(1) Each court clerk shall charge and collect an electronic traffic citation fee of five dollars (\$5.00) for each traffic citation resulting in a conviction. Such fee shall be assessable as court costs and paid by the defendant for any offense cited in a traffic citation delivered that results in

a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes and charges. One dollar (\$1.00) of such fee shall be retained by the court clerk. The remaining four dollars (\$4.00) of the fee shall be transmitted monthly by the court clerk to the law enforcement agency that prepared the traffic citation that resulted in a plea of guilty or nolo contendere, or a judgment of guilty.

(2) All funds derived from the electronic traffic citation fee that are transmitted to the law enforcement agency that prepared the traffic citation pursuant to subdivision (e)(1) shall be accounted for in a special revenue fund of such law enforcement agency and may only be used for the following purposes:

(A) Electronic citation system and program related expenditures; and

(B) Related expenditures by such local law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs.

(3) All funds derived from the electronic citation fee set aside for court clerks pursuant to subdivision (e)(1) shall be used for computer hardware purchases, usual and necessary computer related expenses, or replacement. Such funds shall be preserved for those purposes and shall not revert to the general fund at the end of a budget year if unexpended.

(4) The local legislative body of any county or municipality may, by majority vote, adopt a resolution or ordinance to require a county or municipal court clerk to charge and collect electronic traffic citation fees pursuant to this subsection (e).

SECTION 5. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to all offenses occurring on or after such date.